

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LORI VIGIL,

Plaintiff,

v.

No. Civ. 11-1056 LH/KBM

MORA INDEPENDENT SCHOOLS,

Defendant.

MEMORANDUM OPINION AND ORDER

On December 12, 2011, Defendant Mora Independent Schools filed a Motion for More Definite Statement (Doc. 8). Plaintiff Lori Vigil, proceeding pro se, did not file a response opposing the motion. Having considered the complaint, motion, relevant law, and being otherwise fully advised, the Court will grant Defendant's motion.

I. BACKGROUND

On November 21, 2011, Plaintiff Lori Vigil filed a complaint in Magistrate Court in Mora County, New Mexico. Plaintiff describes her suit as follows: "Suing for \$1.00 for expenses to make school (High School) compliant for ADA, act II and III and violations to Section 504 of the Reh[a]bilitation Act of 1973." (Compl. (Doc. 1-1).) Plaintiff alleges that her claim arises from the following event or transaction: "High School is not wheelchair access[i]ble & violated child's 504 plan. Seeking \$1.00 for time off of work, filing fees, paper. Asking court to demand school's compliance in State & Federal law in 180 days." (*Id.*) Defendant removed the case to this Court based on federal question jurisdiction.

On December 12, 2011, Defendant filed a Motion for More Definite Statement (Doc. 8).

Defendant seeks a more definite statement because (i) it is not clear from the Complaint whether Plaintiff is bringing this action on her own behalf, or on behalf of the unidentified child pursuant to Federal Rule of Civil Procedure 17(c), or both; (ii) the Complaint does not identify the child whose Section 504 plan has allegedly been violated or the terms of the plan that have allegedly been violated; and (iii) the Complaint does not set forth in any detail the terms of the Section 504 plan.

II. ANALYSIS

Federal Rule of Civil Procedure 12(e) provides:

A party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response. The motion must be made before filing a responsive pleading and must point out the defects complained of and the details desired. If the court orders a more definite statement and the order is not obeyed within 14 days after notice of the order or within the time the court sets, the court may strike the pleading or issue any other appropriate order.

Fed. R. Civ. P. 12(e).

The Court agrees that Plaintiff's complaint is vague and ambiguous and that more detail is necessary to enable Defendant to prepare a response. The Court will therefore order Plaintiff to file an amended complaint on or before February 1, 2012, containing the following information:


- (i) the initials and age of the child whose Section 504 plan Defendant allegedly violated;
- (ii) whether Plaintiff is suing on her own behalf, or on behalf of the child under Federal Rule of Civil Procedure 17(c), or both;
- (iii) Plaintiff's relationship to the child; and
- (iv) the terms of the Section 504 plan Defendant allegedly violated.

IT IS THEREFORE ORDERED that

1. Defendant's Motion for More Definite Statement (**Doc. 8**) is **GRANTED**; and

2. Plaintiff must file an amended complaint containing the information described herein

ON OR BEFORE FEBRUARY 1, 2012.



SENIOR UNITED STATES DISTRICT JUDGE